

⁴ The County notes that the Order (see Footnote 3) granted a waiver until and including October 31, 2013, but the system's associated Radio Station Authorizations (WQL1541, WXT689, WNXXK687 and WNXXK672 state licenses), show that the County may operate with authorized 25 kHz wideband emission designator through December 31, 2013 (see FCC 601-ULSHS).

installation and conversion to this new system using a \$10 Million bond and New York State grant funds.

Background

As detailed in the County request of waiver of the January 1, 2013 narrowband deadline noted above, filed pursuant to the Public Notice⁵ released by the Commission, and as acknowledged by the Commission in its waiver grant letter to the County, we have taken concrete steps to secure transition to the new narrowband system, have shown due diligence in planning and have invested substantial resources in preparation for migration to this system. The legacy four site VHF wideband system consists of approximately 200 25 kHz subscriber radios that are not capable of narrowbanding to 12.5 kHz operation. The new county-wide system will consist of a six site P25 digital conventional multicast system with approximately 470 subscribers to serve all police, fire, and EMS in Essex County, and a 13 site microwave system used in partnership with the New York State Police to support the LMR system. The County is still awaiting New York State Department of Environmental Conservation Unit Management Plan (DEC UMP) approval orders on two of the six sites in order to have the new narrowband system online by December 31, 2013.

Essex County pointed out the waiver date discrepancy noted in Footnote 4 above in our March 27, 2013 email to Roberto Mussenden, Public Safety and Homeland Security Bureau, by Michael Blaise, Deputy Director/E911 Coordinator, Essex County Emergency Services. Mr. Blaise emphasized that the December 31, 2013 date would work much better for the County because we still have not received DEC UMP approval orders on a few of our sites and we will probably not have our new narrowband system online until the end of this year at the earliest. In his response, Mr. Mussenden instructed us to "Note that in the equip (sic) waiver and we will fix in rewrite".

The Commission noted that the new system will significantly upgrade the County's communication capabilities, which will improve the safety and reliability of our operations, and

⁵ See Wireless Telecommunications Bureau, Public Safety and Homeland Security Bureau, and Office of Engineering Technology Provide Reminder of January 1, 2013 Deadline for Transition to Narrowband Operations in the 150-174 MHz and 421-512 MHz Bands and Guidance for Submission of Requests for Waiver and Other Matters, Public Notice, DA 11-1189 (July 13, 2011) ("Public Notice").

therefore is in the public interest. The Commission concluded that the extended waiver period requested by the County is within the time reasonably necessary to complete narrowbanding.

The problem is that the Commission waiver granted on December 28, 2012 allows the County and the member agencies on the legacy system to continue operating equipment in 25 kHz mode through the extended period, but it does not enable us to order 25/12.5 kHz dual-mode radio equipment that is capable of operating in 25 kHz as well as 12.5 kHz. This is necessary in order to permit install of the new radios, operate them on our 25 kHz channels legacy wideband system, and then subsequently cut over to the new radio narrowbanded VHF system. Lacking the ability to order and install 25 kHz capable radios, the agencies we service would need to maintain their existing legacy hardware and install the new hardware at the same time. This will result in considerable additional expense, penetrations made in vehicles that will need to be repaired at a later date, and in some vehicles where there is no available space for the installation of two radios simultaneously, an inability to have an efficient mechanism to cut over to the new narrowband VHF system. The prohibition in Section 90.203(j)(10) of FCC rules on the manufacture and import of 25 kHz capable equipment after the January 1, 2013 deadline prevents all manufacturers from building the dual-mode radios which we need.

The County ordered 370 radios in 2012 and an additional 100 radios in 2013 to complete the new system. Motorola Solutions Inc. ("Motorola Solutions" or "MSI"), our contracted vendor, was not able to complete the manufacture of all of the 370 radios prior to the yearend narrowbanding deadline. Those that were manufactured in 2012 were delivered to the County with dual mode 25/12.5 kHz capability. However, because MSI followed the Commission's narrowbanding manufacturing/import deadline, those radios manufactured after December 31, 2012 were built and shipped with the default 12.5 kHz-only bandwidth. The County needs to now obtain the Commission's grant of this manufacturing waiver to permit installation of 25 kHz capable software into these radios to make them compatible and interoperable with the legacy 25 kHz radios on the current wideband system and with those new radios manufactured prior to the start of the year.

As emphasized above, the lack of 25 kHz capability in these additional radios manufactured after the January 1, 2013 narrowbanding deadline radios prevents a safe and orderly transition to

our new VHF P25 radio system and continued interoperability with the legacy VHF systems during this transition period.

Essex County notes that at the end of November, 2012, Motorola Solutions filed a Request for Limited Waiver⁶ of Section 90.203(j)(10) of the Commission's rules on behalf of all manufacturers urging that Commission grant of that waiver will serve the public interest by ensuring that licensees (that have been granted a waiver to continue operation in 25 kHz) can maintain essential interoperability and system reliability during their narrowband transition within the timeline extended specifically by the Commission for each waiver grantee. The County agrees with MSI that such a manufacturing waiver will help ensure that licensees which have been granted an operating waiver will retain the ability to purchase equipment to keep their current 25 kHz systems fully functional and interoperable, while migrating to new narrowband 12.5 kHz systems. As detailed above, we need to continue implementing newly-manufactured radios that are dual-mode (25 kHz and 12.5 kHz) capable. This allows the County and the member agencies on our new system, to continue to ensure system reliability and interoperability by initially implementing the new radios in the 25 kHz mode on the legacy VHF system, then transition to 12.5 kHz operation on our new VHF P25 system, via a cost-effective single purchase of radio equipment.

Conclusion

Essex County strongly urges the Commission to grant this specific manufacturing waiver request on an expedited basis to allow us to continue implementation of the new VHF county-wide P25 narrowband LMR radio system, while maintaining reliability and interoperability with mission critical communications on our legacy 25 kHz VHF system during the transition period granted by the Commission.

Our primary concern is that without the Commission's grant of this manufacturing waiver, the County and the member agencies on our new system will not be able to reconfigure the existing 12.5 kHz-only radios already manufactured and shipped this year to include the 25 kHz capability.

⁶ See Request for Limited Waiver by Motorola Solutions, Inc., dated November 29, 2013.

This prevents our continued orderly migration to the new 12.5 kHz narrowband VHF county-wide P25 system, and does not allow the agencies to maintain interoperability with our legacy 25 kHz VHF system to be decommissioned after the County completes transition to the new system. In lieu of the Commission not granting a blanket waiver to all manufacturers and waiver holder licensees per the MSI request for limited waiver, the County urges the Commission to grant this specific manufacturing waiver request to the County through December 31, 2013 on an expedited basis.

Respectfully Submitted,

April 22, 2013

Donald Jaquish

Director

Essex County Emergency Services

702 Stowersville Rd., PO Box 30

Lewis, NY 12950